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STATE DOCUMENTS

MAR 22 1972

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

REPORT OF COMMITTEE ON STYLE, DRAFTING, TRANSITION AND SUBMISSION

ON

LOCAL GOVERNMENT

*No. XI*

Date Reported: March 20, 1972

*John M. Schultz*, Chairman

*William C. Burkhardt*, Vice Chairman



TO: Montana Constitutional Convention

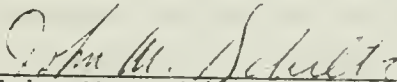
SUBJECT: LOCAL GOVERNMENT

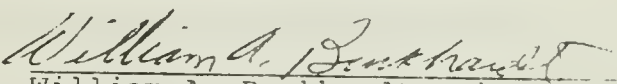
Ladies and Gentlemen:

The Committee on Style, Drafting, Transition and Submission transmits revisions of the above Article for consideration of the Convention.

Immediately following this letter you will find the above Article as revised by the Committee. Following that is the Article indicating (by underlining) words we have added and (by crossing out) words we have deleted from the Article as approved. Finally, there is an explanation of the changes we have made.

Sincerely,

  
John M. Schiltz, Chairman of the  
Committee on Style, Drafting,  
Transition and Submission

  
William A. Burkhardt, Vice Chairman  
of the Committee on Style, Drafting,  
Transition and Submission



1 BE IT PROPOSED BY THE LOCAL GOVERNMENT COMMITTEE:

2 That there be a new Article on Local Government to  
3 read as follows:

4  
5 ARTICLE

6 LOCAL GOVERNMENT

7 Section 1. DEFINITION. The term "local government  
8 units" includes, but is not limited to, counties and  
9 incorporated cities and towns. Other local government  
10 units may be established by law.

11 Section 2. COUNTIES. The counties of the state are  
12 those that exist on the date of ratification of this con-  
13 stitution. No county boundary may be changed or county  
14 seat transferred until approved by a majority of those  
15 voting on the question in each county affected.

16 Section 3. FORMS OF GOVERNMENT. (1) The legislature  
17 shall provide methods for governing local government units  
18 and procedures for incorporating, classifying, merging,  
19 consolidating, and dissolving such units, and altering  
20 their boundaries. The legislature shall provide such optional  
21 or alternative forms of government that each unit or combina-  
22 tion of units may adopt, amend, or abandon an optional or  
23 alternative form by a majority of those voting on the  
24 question.

25 (2) One optional form of county government includes, but  
26 is not limited to, the election of three county commis-  
27 sioners, a clerk and recorder, a clerk of district court,  
28 a county attorney, a sheriff, a treasurer, a surveyor,  
29 a county superintendent of schools, an assessor, a coroner,  
30 and a public administrator. The terms, qualifications, duties,

1 and compensation of those offices shall be provided by  
2 law. The Board of county commissioners may consolidate  
3 two or more such offices. The Boards of two or more  
4 counties may provide for a joint office and for the  
5 election of one official to perform the duties of any  
6 such office in those counties.

7 Section 4. GENERAL POWERS. (1) A local government  
8 unit without self-government powers has the following  
9 general powers:

10 (a) An incorporated city or town has the powers of  
11 a municipal corporation and legislative, administrative,  
12 and other powers provided or implied by law.

13 (b) A county has legislative, administrative, and  
14 other powers provided or implied by law.

15 (c) Other local government units have powers pro-  
16 vided by law.

17 (2) The powers of incorporated cities and towns and  
18 counties shall be liberally construed.

19 Section 5. SELF-GOVERNMENT CHARTERS. (1) The legis-  
20 lature shall provide procedures permitting a local govern-  
21 ment unit or combination of units to frame, adopt, amend,  
22 revise, or abandon a self-government charter with the  
23 approval of a majority of those voting on the question.  
24 The procedures shall not require approval of a charter by  
25 a legislative body.

26 (2) If the legislature does not provide such pro-  
27 cedures by July 1, 1975, they may be established by election  
28 either:

29 (a) Initiated by petition in the local government unit  
30 or combination of units; or

1 (b) Called by the governing body of the local govern-  
2 ment unit or combination of units.

3 (3) Charter provisions establishing executive, legis-  
4 lative, and administrative structure and organization are  
5 superior to statutory provisions.

6 Section 6. SELF-GOVERNMENT POWERS. A local government  
7 unit adopting a self-government charter may exercise any  
8 power not prohibited by this constitution, law, or charter.  
9 This grant of self-government powers may be extended to  
10 other local government units through optional forms of  
11 government provided for in section 3.

12 Section 7. INTERGOVERNMENTAL COOPERATION. (1) Unless  
13 prohibited by law or charter, a local government unit may

14 (a) cooperate in the exercise of any function, power,  
15 or responsibility with,

16 (b) share the services of any officer or facilities  
17 with,

18 (c) transfer or delegate any function, power, responsi-  
19 bility, or duty of any officer to

20 one or more other local government units, school districts,  
21 the state, or the United States.

22 (2) The qualified electors of a local government unit  
23 may, by initiative or referendum, require it to do so.

24 Section 8. INITIATIVE AND REFERENDUM. The legislature  
25 shall extend the initiative and referendum powers reserved to  
26 the people by the constitution to the qualified electors of  
27 each local government unit.

28 Section 9. VOTER REVIEW OF LOCAL GOVERNMENT. (1) The  
29 legislature shall, within four years of the ratification of  
30 this constitution, provide procedures requiring each local



1 government unit or combination of units to review its  
2 structure and submit one alternative form of government  
3 to the qualified electors at the next general or special  
4 election.

5 (2) The legislature shall require a review  
6 procedure once every ten years after the first election.

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7 Section 1. DEFINITION. The term "local government  
8 units" includes, but is not limited to, counties and  
9 incorporated cities and towns. Other local government  
10 units may be established by law.

11 Section 2. COUNTIES. The counties of the state of  
12 ~~Montana-as-they~~ are those that exist at on the adoption  
13 date of ratification of this constitution ~~are-the-counties~~  
14 ~~of-the-state.~~ No county boundaries boundary shall may not  
15 be changed or county seats transferred until approved by  
16 a majority of those voting on the question in each county  
17 affected.

18 Section 3. FORMS OF GOVERNMENT. (1) The legislature  
19 shall provide ~~by-law~~ methods for ~~the-government-of~~ governing  
20 local government units and ~~for~~ procedures of for incorpor-  
21 ating, classifying, merging, consolidating, and dissolving  
22 such units, and of altering their boundaries. The legisla-  
23 ture shall provide ~~by-law-for~~ such optional or alternative  
24 forms of government for that each unit or combination of  
25 units ~~to-enable-a-unit-or-combination-of-units-to~~ may adopt,  
26 amend, or abandon an optional or alternative form by a  
27 majority of those voting on the question.

28 (2) One optional form of county government includes,  
29 but is not limited to, the election of three county commis-  
30 sioners, a clerk and recorder, a clerk of district court,

1 a county attorney, a sheriff, a treasurer, a surveyor,  
2 a county superintendent of schools, an assessor, a  
3 coroner, and a public administrator. whose The terms,  
4 qualifications, duties, and compensation of those offices  
5 shall be prescribed provided by law. The Board of county  
6 commissioners may consolidate two or more such offices.  
7 The Boards ~~of-Commissioners~~ of two or more counties may  
8 provide for a joint office and for the election of one official  
9 to perform the duties of that any such office in ~~the-respec-~~  
10 tive those counties.

11 Section 4. GENERAL POWERS. (1) A local government units  
12 ~~not-exereising without~~ self-government powers ~~under-Sections-5~~  
13 ~~and-6-shall-have~~ has the following general powers:

14 (1) (a) An incorporated cities-and-towns-shall-have city  
15 or town has the powers of a municipal corporation and such  
16 legislative, administrative, and other powers ~~as~~ provided or  
17 implied by law.

18 (2) (b) A Counties-shall-have-such county has legislative,  
19 administrative, and other powers ~~as~~ provided or implied by law.

20 (3) ~~The-powers-of-incorporated-cities-and-towns-and-counties~~  
21 ~~shall-be-liberally-construed-~~

22 (4) (c) Other local government units ~~shall~~ have such powers  
23 ~~as~~ provided by law.

24 (3) (2) The powers of incorporated cities and towns and counties  
25 shall be liberally construed.

26 Section 5. SELF-GOVERNMENT CHARTERS. (1) The legislature  
27 shall prescribe provide procedures ~~and-may-set-limits-under-which~~  
28 permitting a local government unit or combination of units may to  
29 frame, adopt, amend, revise, or abandon a self-government charter  
30 with the approval of a majority of those voting on the question.

1 The prescribed procedures, however, shall not require approval  
2 of a charter by a legislative body.

3 (2) If the legislature does not provide such procedures  
4 by July 1, 1975, they may be established by election either:

5 (a) Initiated by petition in the local government unit  
6 or combination of units; or

7 (b) Called by the governing body of the local govern-  
8 ment unit or combination of units.

9 (3) Charter provisions ~~with-respect-to-a-local-govern-~~  
10 ~~ment-unit's~~ establishing executive, legislative, and adminis-  
11 trative structure and organization ~~shall-be~~ are superior to  
12 statutory provisions.

13 Section 6. SELF-GOVERNMENT POWERS. A local govern-  
14 ment units adopting a self-government charters may exercise  
15 ~~all~~ any powers not prohibited by this constitution, ~~by law,~~  
16 ~~or by charter.~~ This grant of self-government powers may be  
17 extended to other local government units through optional  
18 forms of government provided for in section 3.

19 ~~Section 7.--INTERGOVERNMENTAL COOPERATION.--A local~~  
20 ~~government-unit-by-act-of-its-governing-body-may, or, upon~~  
21 ~~being-required-by-initiative-or-referendum, shall-cooperate,~~  
22 ~~consolidate-or-agree-in-the-exercise-of-any-function, power~~  
23 ~~or-responsibility-with, or-share-the-service-of-an-officer~~  
24 ~~or-facilities, or-transfer-or-delegate-any-function, power~~  
25 ~~or-responsibility-or-duties-of-an-officer-to-one-or-more~~  
26 ~~other-local-government-units, school-districts, the-state~~  
27 ~~or-the-United-States,--unless-prohibited-by-law-or-charter.~~

28 Section 7. INTERGOVERNMENTAL COOPERATION. (1) Unless  
29 prohibited by law or charter, a local government unit may

30 (a) cooperate in the exercise of any function, power,

1           or responsibility with,  
2           (b) share the services of any officer or facilities with,  
3           (c) transfer or delegate any function, power, responsibility,  
4           or duty of any officer to  
5           one or more other local government units, school districts, the  
6           state, or the United States.

7           (2) The qualified electors of a local government unit may,  
8           by initiative or referendum, require it to do so.

9           Section 9. 8 INITIATIVE AND REFERENDUM. The legislature  
10          shall extend the initiative and referendum powers reserved to  
11          the people by the constitution ~~shall-be-extended-by-law~~ to the  
12          qualified ~~voters~~ electors of each local government unit.

13          Section ~~11~~. 9 VOTER REVIEW OF LOCAL GOVERNMENT. (1) The  
14          legislature shall, within four years of the ~~adoption~~ ratification  
15          of this constitution, provide for procedures ~~by-which~~ requiring  
16          each local government unit or combination of units to either  
17          ~~separately-or-jointly-shall~~ review the-government its structure  
18          ~~of-the-local-unit-or-joint-unit~~ and ~~shall~~ submit one alternative  
19          form of government to the voters qualified electors at the next  
20          general or special election.

21          (2) The legislature shall provide-for require a review  
22          procedure ~~each~~ once every ten years after the first election.



REPORT NO. XI - LOCAL GOVERNMENT  
COMMENTS ON STYLE, FORM, AND GRAMMAR

Section 2. Changes in the first sentence specify the date upon which the identity of the counties will be established. The noun "ratification" was substituted for "adoption" because the former is applied by the present constitution to the process which will occur on June 6.

Section 3. Language changes shorten and clarify without altering substance.

Section 4. Changes in language and order do not alter substance.

Section 5. Language changes do not alter substance. The words "may set limits" were removed from subsection (1) for two reasons: 1. The verb shifts from the mandatory "shall" to the permissive "may." 2. The legislature "may set limits" in the usual exercise of its powers without any reference being made thereto.

Section 6. Changes from plural to singular accord with good drafting standards.

Section 7. Reorganizing produces clarity without changing substance.

Section 9. Language changes do not alter substance.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is essential for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and procedures used to collect and analyze data. It describes how this information is used to identify trends, assess performance, and make informed decisions.

3. The third part of the document focuses on the implementation of the findings and recommendations. It details the steps taken to put the proposed changes into practice and the progress made to date.

4. The fourth part of the document provides a summary of the overall results and conclusions. It highlights the key findings and the impact of the implemented changes on the organization's performance.

5. The fifth part of the document discusses the future plans and goals for the organization. It outlines the strategies and initiatives that will be implemented to continue to improve performance and achieve long-term success.





